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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,185	08/09/2000	James S. Hiscock	SYNER-163XX	5742
207	7590	01/04/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/634,185	Applicant(s) HISCOCK ET AL.	
	Examiner BINH K. TIEU	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 12-14, 16-21, 23, 24, 33-41, 43 and 48-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 12-14, 16-21, 23, 24, 33-41, 43 and 48-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4-7, 13-14, 20, 39-40, 43, **48**, 50, 52, **54** and 62 are rejected under 35

U.S.C. 102(e) as being anticipated by Binder (Pub. No.: US 2004/0196835 A1).

Regarding claim 48, Binder teaches a decentralized computer network, as shown in figures 6 through 9, comprising:

a data infrastructure, comprising data processing equipment (i.e., Junction Box 16 and telephone line 17 connected to PSTN); and

a plurality of communication outlets (i.e., network outlets as shown in figure 6), each of the communication outlets comprising:

a faceplate;

a bridge (i.e., Low Pass Filters (LPF) 51a, 51b and High Pass Filters (HPF) 52a and 52b of a splitter for bridging devices connected among ports 53, 54, 55, 56 and 57 as shown in figure 5, see paragraphs [0062]-[0063] and [0074]);

a plurality of data interfaces (i.e., standard data connectors 138 and 140 as shown in figure 13), each of the data interface being:

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accessible via the faceplate for connection to a user data device (i.e., for connecting DTE 24a, 24b or 24c as shown in figure 8); and

connected to the bridge and, via a network connection provided by the bridge, to the data infrastructure (see paragraphs [0090]-[0094]);

wherein the outlet is configured for attachment to at least one of:

an outlet box;

an opening in a wall; and

electrical wiring raceway;

such that, after attachment, the faceplate is accessible to a user (see paragraph [0096]).

Regarding claims 4, 6-7, note figure 13 and paragraph [0096].

Regarding claim 5, note figure 5.

Regarding claim 13, see the telephone 13b connected to the connector 14b as shown in figure 6, note paragraph [0064].

Regarding claim 14, note paragraph [0092].

Regarding claim 20, note paragraph [0091].

Regarding claims 39-40, 43, 50, note figure 13, paragraph [0096].

Regarding claim 52, note DTEs 24a-24c in the figures 6-9.

Regarding claim 54, Binder teaches a method for providing network access over existing premises wiring to a data infrastructure that includes data processing equipment, comprising:

providing a plurality of communication outlets (i.e., providing a plurality of data outlets as shown in figure 6-9), each of the communication outlets including a bridge (i.e., Low Pass Filters (LPF) 51a, 51b and High Pass Filters (HPF) 52a and 52b of a splitter for bridging devices,

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e.g., DTE 24a-24c, etc. connected among ports 53, 54, 55, 56 and 57 as shown in figure 5, see paragraphs [0062]-[0063] and [0074]);

attaching each of the plurality of communication outlets to a respective at least one of an outlet box, an opening in a wall and an electrical wiring raceway (see figure 13, note paragraph [0096]);

electrically connecting the bridge of each of the plurality of communication outlets to the existing premises wiring (i.e., see segments 15a-15e as shown in the figures, note paragraph [0060]).

Regarding claim 62, note figure 13, paragraph [0096].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 12, 23-24 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder (Pub. No.: US 2004/0196835 A1) in view of Kikinis (US. Pat. #: 6,167,120).

Regarding claim 12, Binder teaches the premises infrastructure comprising the junction box and the telephone wires. Binder fails to clearly teach the premises infrastructure comprising further comprising a private branch exchange. However, Kikinis teaches such feature in figure 1, col.4, lines 22-29 for a purpose of performing on connections of different types of telephone equipment to external telephone line(s).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the premises infrastructure further comprising a private branch exchange, as taught by Kikinis, into view of Binder in order to provide telecommunication services to multiple users at the premises.

Regarding claims 23-24, it is noticed that using and arranging circuit cards or boards in outlets or adapters to provide interfacing and multi-media services are well-known, such as a board with card slots for plug-in units, etc., see paragraph [0025] in Kikinis.

Regarding claim 55, Kikinis further teaches limitations of the claim in paragraphs [0026]-[0027], [0044] and [0046]-[0047].

6. Claims 33 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder (Pub. No.: US 2004/0196835 A1) in view of Whittaker et al. (US. Pat. #: 6,130,893 *as cited in the previous Office Action*).

Regarding claims 33 and 56, Binder teaches all subject matters as claimed above, except for a processor operative to provide high-level service to the user via one of the data interfaces in

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an outlet. However, Whittaker et al. (“Whittaker”) teaches a plurality of “outlets”, e.g., terminal adapters 20a-20b as shown in figure 1, each comprises a processor (i.e., central control unit 68 as shown in figure 3) for controlling active components in the adapter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the processor for controlling active components in the adapter, as taught by Whittaker, into view of Binder in order to control connections to devices in the outlet.

7. Claims 16-17, 21, 34-38, 41, 49, 51, 53 and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder (Pub. No.: US 2004/0196835 A1) in view of Whittaker et al. (US. Pat. #: 6,130,893), as applied to claims 48 and 33 above, and further in view of Menon et al. (US 2001/0022784 A1).

Regarding claims 16 and 17, Bind and Whittaker, in combination, fails to clearly teach the high service levels including data encryption and authentication. However, Menon et al. (“Menon”) teaches such well-known features in paragraph [0071].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the high service levels including data encryption and authentication, as taught by Menon, into view of Binder and Whittaker in order to provide security to the outlets.

Regarding claim 21, Menon further teaches limitations of the claim in paragraph [0363].

Regarding claims 34-38, 41, 49, 51, 53 and 57-61, Menon further teaches limitations of the claims in figure 1 and paragraphs [0071], [0083], [0095], [0221] and [0363].

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8. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder (Pub. No.: US 2004/0196835 A1) in view of Whittaker et al. (US. Pat. #: 6,130,893), as applied to claims 48 and 33 above, and further in view of Vaughn et al. (US. Pat. #: 6,661,893 *also cited in the previous Office Action*).

Regarding claims 18-19, the combination fails to teach status information, which includes a problem.

Vaughn teaches a telephone loop monitoring system in (see col. 4) wherein status information can reported to a user via a display means.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Vaughn into that of the combination thus making it possible to take corrective measures or request help when necessary.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

All of Continuation of applications and Division of Binder and Kikinis references cited above are listed in "Notice of References Cited" in the PTO-892. They are related to the claimed inventions wherein Binder references teaches decentralized computer network with a "bridge" composed of LPFs and HPFs for bridging devices in the decentralized computer network. Kikinis also teaches a bridge with to provide PBX functions between telephone equipment and Web connections.

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Response to Arguments

10. Applicant's arguments with respect to claims 4-7, 12-14, 16-21, 23-24, 33-41, 43 and 48-62 but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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A handwritten signature in black ink, appearing to read 'Binh Tieu', with a stylized flourish at the end.

BINH TIEU
PRIMARY EXAMINER

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Date: December 30, 2005